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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,321	01/09/2004	Shawn Gregory Abigail	ALC 3111	7258

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EXAMINER	
LUDWIG, MATTHEW J	

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/753,321	ABIGAIL, SHAWN GREGORY	
	Examiner	Art Unit	
	Matthew J. Ludwig	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment filed 5/24/2006.

2. Claims 1-22 are pending in the case. Claims 1 and 11 are independent claims.

3. Claims 1 & 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter has been withdrawn pursuant to applicant's amendment. Furthermore, claims 1-10 rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter have been withdrawn pursuant to applicant's amendment. Claims 11-22 remain rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Finally, claims 1-22 rejected under 35 U.S.C 103(a) as being unpatentable over Wu in view of Lindblad have been withdrawn pursuant to applicant's amendment.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **The claimed invention is directed to non-statutory subject matter. Claims 11-22 are drawn to a computer implemented process that merely manipulates data or an abstract idea, or merely solves a mathematical problem without limitation to a practical application in the technological arts.**

In order for a claimed invention to accomplish a practical application, it must produce a "useful, concrete and tangible result" State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02 (see MPEP 2106.II.A). A practical application can be achieved through recitation of "a physical

transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skill artisan", or "limited to a practical application within the technological arts" (MPEP 2106 IVB2(b)). Currently, claimed 1-22 meets neither of these criteria. In order for the claimed process to produce a "useful, concrete and tangible" result, recitation of one or more of the following elements is suggested"

- The manipulation of data that represents a physical object or activity transformed from outside the computer (MPEP 2106 IVB2(b)(i)).
- A recitation of a physical transformations outside the computer, for example in the form of pre or post computer processing activity (MPEP 2106 IVB2(b)(i)).
- A direct recitation of a practical application in the technological arts (MPEP 2106 IVB2(b)(ii).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu, US Pat. Pub. 2003/0174162 filed 6/28/02) in view of Shyu USPN 6,862,698 filed (6/13/02).**

In reference to independent claim 1, Wu teaches:

A clearance of an application to change its operating state. The second device or application may provide a notification (e.g. XML transmission) to the first device or application

that it has changed its operating state as the result of the alarm or the clearance of an alarm (compare to "***reporting an alarm report***"). See page 6, [0061] through [0062]. The reference provides XML for transmission of alarm data. The file transmissions or other communications from or between the SMLC and the NMS may be XML compliant or other platform independent protocol. Furthermore, the reference provides a table illustrating alarm tokens indicating a condition of a computer system which caused the alarm. The language fails to preclude the examiner from utilizing the Term/XML Tag/Description as a way of suggesting a condition of a computer system. However, the reference fails to explicitly state the reported alarm is encapsulated between a corresponding pair of XML tags. However, Shyu provides XML files with data encapsulated within XML tags and transmits this data to a parser for identification of XML elements. It would have been obvious to one of ordinary skill in the art, having the teachings of Wu and Shyu before him at the time the invention was made, to modify the XML alarm reporting methods taught by Wu to include the encapsulation and parsing methods of Shyu, because it would have provided a validation means and a means of efficiently correlating alarms emitted by network elements.

In reference to dependent claim 2, Wu teaches:

A clearance of an application to change its operating state. The second device or application may provide a notification (e.g. XML transmission) to the first device or application that it has changed its operating state as the result of the alarm or the clearance of an alarm (compare to "reporting an alarm report"). See page 6, [0061] through [0062]. The reference provides the XML for transmission of alarm. The file transmissions or other communications from or between the SMLC and the NMS may be XML compliant or other platform independent protocol.

However, the reference fails to explicitly state the reported alarm is encapsulated between a corresponding pair of XML tags. However, Shyu provides XML files with data encapsulated within XML tags and transmits this data to a parser for identification of XML elements. It would have been obvious to one of ordinary skill in the art, having the teachings of Wu and Shyu before him at the time the invention was made, to modify the XML alarm reporting methods taught by Wu to include the encapsulation and parsing methods of Shyu, because it would have provided a validation means and a means of efficiently correlating alarms emitted by network elements.

In reference to dependent claim 3, Wu teaches:

Table 1 on page 7 & 8 discloses a plurality of XML tag specifications, which are received in response to the reported alarms.

In reference to dependent claim 4, Wu teaches:

The XML formatting language is utilizing by Wu in issuing the alarm report. See page 6, [0061 through 0064].

In reference to dependent claim 5, Wu teaches:

A representative interface schema for a file or other communications between the SMLC and the NMS is illustrated. The interface schema allows an alarm event report to be stored as an observation object and transmitted as a file using the XML protocol. See page 7, [0062] through [0063].

In reference to dependent claim 6, Wu teaches:

The state change event report sent from the SMLC to the NMS, the update request sent from the NMS to the SMLC. See page 6, [0062] through [0063].

In reference to dependent claim 7, Wu teaches:

A clearance of an application to change its operating state. The second device or application may provide a notification (e.g. XML transmission) to the first device or application that it has changed its operating state as the result of the alarm or the clearance of an alarm (compare to "reporting an alarm report"). See page 6, [0061] through [0062]. The reference provides the XML for transmission of alarm. The file transmissions or other communications from or between the SMLC and the NMS may be XML compliant or other platform independent protocol. However, the reference fails to explicitly state the reported alarm is encapsulated between a corresponding pair of XML tags. However, Shyu provides XML files with data encapsulated within XML tags and transmits this data to a parser for identification of XML elements. It would have been obvious to one of ordinary skill in the art, having the teachings of Wu and Shyu before him at the time the invention was made, to modify the XML alarm reporting methods taught by Wu to include the encapsulation and parsing methods of Shyu, because it would have provided a validation means and a means of efficiently correlating alarms emitted by network elements.

In reference to dependent claim 8, 9, and 10, the claims recite similar limitations to those of independent claim 1, and therefore are rejected under similar rationale.

In reference to dependent claims 11-22, the claims recite similar limitations to those of independent claim 1-7, and therefore are rejected under similar rationale.

Response to Arguments

8. Applicant's arguments with respect to claim 1-22 have been considered but are moot in view of the new ground(s) of rejection.

The examiner would like to point out the inclusion of newly formed limitations into the independent claim which changes the scope of the invention when interpreted as a whole. More specifically, applicant added '***receiving an alarm token indicating a condition of a computer system which caused the alarm***' and '***wherein the pair of XML tags indicate a category of the alarm token for indicating the condition of the computer system; and sending the encapsulated alarm token to a management computer***'. The rejection has been adjusted accordingly. The independent claim recites 'receiving an alarm token indicating a condition of a computer system which caused the alarm. The reference provides XML and XML tags for alarm token processing and does so through a method of parsing data to distinguish various alarm conditions. The alarm conditions point to different conditions of a computer system. The file transmissions or other communications from or between the SMLC and the NMS may be XML compliant or other platform independent protocol. Furthermore, the reference provides a table illustrating alarm tokens indicating a condition of a computer system which caused the alarm. The language fails to preclude the examiner from utilizing the Term/XML Tag/Description as a way of suggesting a condition of a computer system. However, the reference fails to explicitly state the reported alarm is encapsulated between a corresponding pair of XML tags. However, Shyu provides XML files with data encapsulated within XML tags and transmits this data to a parser for identification of XML elements. It would have been obvious to one of ordinary skill in the art, having the teachings of Wu and Shyu before him at the time the invention was made, to

modify the XML alarm reporting methods taught by Wu to include the encapsulation and parsing methods of Shyu, because it would have provided a validation means and a means of efficiently correlating alarms emitted by network elements.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER